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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,507	08/22/2000	Bruce Carlin	CAR 0001P	9177
7590	08/27/2004		EXAMINER	
William C Fuess Fuess & Davidenas 10951 Sorrento Valley Road Suite IIG San Diego, CA 92121-1613			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	
			DATE MAILED: 08/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/643,507	CARLIN ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/16/04.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892) ✓
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 4/16/2004.
2. Claims 1-51 are pending in this application. Claims 1, 13, 22, 37 are independent claims.

Claim Objections

3. Claim 32 objected to because of the following informalities: "... fifth communicating upon the digital communication network from the interior designer at the client to the server a request for a real physical sample of something in he generated and display 3D image of he room with furnishings" is unclear. Appropriate correction is required.

Examiner interpreted it to be "A fifth communication between the interior designer at the client site to the server, that places a request for a real physical sample of something in the generated and displayed 3D image of the room".

4. Claim 36 objected to because of the following informalities: "... never existed save as a virtual image" is unclear. Appropriate correction is required.

Examiner interpreted it to be "never existed and it was only saved as a virtual image".

5. Claim 51 objected to because of the following informalities: "... never existed save as a virtual image" is unclear. Appropriate correction is required.

Examiner interpreted it to be "never existed, and it is saved as a virtual image".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

6. Claims 1-11, 13-17, 21-31, and 37-46, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Bourdelais (US 6,727,925).

As per claim 1, Bourdelais teaches computerized method of generating and rendering over a digital communications network a perspective view of a three-dimensional object that can exist in the real world located within, surrounding, or in front of, a three-dimensional scene that can also exist real world, the method of presenting a perspective image of a 3D object in a 3D scene comprising:

producing at a first computer upon a digital communications network

(1a) a 3D model of the background, or, equivalently (col. 8, lines 45-51),

(1b) precursors of the 3D background model, or, equivalently, (1c) one or more related 2D views of the background scene suitable to serve as precursors of the 3D background model (col. 8, lines 54-66),

(2) associated dimensional information of the particular scene (col. 12, lines 65-68), and

(3) a selected suitably-real-world object (col. 10, 24-35); and

transmitting from the first computer upon the digital communications network the information (1)-(3) (col. 6, lines 14-22);

receiving at another, second, computer upon the digital communications network the information (1)-(3)⁷ deriving in the second computer (4) a 3D background model of the represented and selected 3D background scene (col. 12, lines 65-68) ; and

combining in the second computer the information (1)-(3) and the (4) derived 3D background scene model to assemble in consideration of (5) object-based rules as to how the

selected 3D object exists within the 3D scene, to produce a 3D perspective view of the selected object properly scaled, located and oriented relative to the 3D scene (col. 9 ,lines 15-35); and then transmitting from the second computer upon the digital communications network the perspective view (fig. 20, col. 12, lines 55-60, col. 17, lines 43-50); and receiving at the first computer upon the digital communications network this (6) perspective view (fig. 20 col. 12, lines 55-60, col. 17, lines 43-50); and displaying at the first computer this ((8) 6) perspective view (col. 18, lines 51-60); wherein, given a particular 3D scene with which is associated a 3D mode, and a selected object with which is associated a selected 3D model, and location of the 3D object within the 3D scene, permits generation of a 3D perspective view of the selected suitably-real-world 3D object, properly scaled, within the selected suitably-real- world 3D scene (fig. 20, col. 20, lines 1-12); wherein image selection made interactively over a digital network transpiring entirely in 2D supports the generation of a 3D perspective view showing a 3D object located and oriented within a 3D scene (col. 4, lines 34-48).

As per claim 2, Bourdelais teaches the method according to claim 1, exercised to the purpose that a prospective purchaser of the suitably-real-world 3D object may be rendered a 3D perspective view of a 3D object that is virtual within the suitably-real-world 3D scene, wherein if the object and/or the scene shown in the perspective view do not actually exist, either or both object and scene could so exist (col. 19, lines 55-65, col. 2, lines 20-30; It is inherent that the modeling of the room doesn't exist except as a virtual image because, all the model are initially designed by the user).

As per claim 3, Bourdelais teaches the method according to claim 1 wherein the suitably-real-world 3D object is selected in the form of a 2D iconic image, the 2D iconic image representing an associated object that is the selected suitably-real-world 3D object (col. 8, lines 52-65).

As per claim 4, Bourdelais teaches the method according to claim 3 wherein the icon is selectively placed and rotated at the first computer produce (3a) placement and rotational information regarding where and at what positional attitude the selected object is to be placed within the selected 3D scene (col. 15, lines 35-45); and

wherein the combining in the second computer of the information (1)-(3) and the (4) derived 3D background scene model to assemble in consideration of (5) object-based rules as to how the selected 3D object exists within the 3D scene, is further in consideration of the (3a) placement and rotational information, to produce (6) the 3D perspective view of the selected object properly scaled, located and oriented relative to the 3D scene (col. 16, lines 3-12).

As per claim 5, Bourdelais teaches the method according to claim 1 wherein the producing at the first computer is further of a 3D model of the selected suitably-real-world object (col. 12, lines 10-25); and

wherein the combining in the second computer is further of the (3a) 3D model of the selected suitably real-world object to produce the (6) 3D perspective view (col. 16, lines 3-12);

wherein the model of the selected suitably-real-world object originates at the first computer (col. 6, lines 23-26).

As per claim 6, Bourdelais teaches wherein the method according to claim 5 originated at the first computer is of an object not for sale (col. 8, lines 21-34).

As per claim 7, Bourdelais teaches the method according to claim 1 wherein the combining in the second computer is further of a (4a) 3D model of the selected suitably real-world object to produce the (6) 3D perspective view.

wherein the model of the selected suitably-real-world object originates at the second computer (col. 8, lines 52-65).

As per claim 8, Bourdelais teaches the method according to claim 6 wherein the model originated at the second computer is of an object for sale (col. 2, lines 20-37).

As per claim 9, which is dependent on claim 1, it is of the same scope as claim 4. (see rejection above)

As per claim 10, Bourdelais teaches the method according to claim 9, wherein the placement and rotation information originating at the first computer concerns location and attitude of furnishings within a room (col. 18, lines 66-68, col. 19, lines 1-5).

As per claim 11, Bourdelais teaches the method according to claim 1 wherein the combining in the second computer of the information (1)-(3) and the (4) derived 3D background scene model is further of (4a) placement and rotational information in order to assemble in consideration of (5) object-based rules as to how the selected 3D object exists within the 3D scene, and so as to produce (6) the 3D perspective view of the selected object properly scaled, located and oriented relative to the 3D scene (col. 12, lines 10-25);

wherein the placement and rotation information originates at the second computer (col. 8, lines 52-65).

As per claim 13, Bourdelais teaches a computerized method of generating and rendering over a digital communications network a perspective view of a three-dimensional object that can

exist in the real world located within a three-dimensional space that can also exist in the real world, the method of presenting a perspective image of a 3D object a space comprising:

generating at a client computer upon a digital communications network (col. 18, lines 66-68, col. 19, lines 1-5)

(i) one or more 2D images representing an associated particular suitably-real-world 3D scene in which 3D scene a suitably-real-world 3D object can exist (fig. 5, item 66, col 8)

(ii) associated dimensional information of the particular 3D scene as appears within a particular 2D image (col. 3, lines 60-64, fig. 6, item 83)

(iii) a selected 2D iconic image representing an associated selected suitably-real-world 3D object (fig 8, item 100), and

(iv) placement and rotational information regarding where and at what positional attitude the selected 3D object represented by the selected iconic image is to be placed within the selected 3D scene (fig. 10, item 100);

transmitting from the first computer upon the digital communications network the information (i)-(iv) (fig. 20, col. 16 ,lines 2-11);

receiving at another, second, computer upon the digital communications network the information (i)-(iv) (fig. 20, col. 16, lines 2-11);

combining in the second computer this information (i)-(iv) with (v) a photographically or virtually derived 3D model of the represented and selected 3D scene (fig. 20, col. 16, lines 2-11),

(vi) a 3D model of the selected 3D object that represented by the selected 2D iconic image (fig. 20, col. 16, lines 2-11), and

(vii) object-based rules as to how the 3D object exists within the 3D scene, in order to generate this second computer (fig. 20, col. 16, lines 2-11)

(viii) a 3D perspective view of the 3D object properly scaled, located and oriented within the 3D scene (fig. 20, col. 16, lines 2-11); and then

transmitting from the second computer upon the digital communications network the (viii) perspective view (fig. 20, col. 16, lines 2-11); and

receiving at the first computer upon the digital communications network this (viii) perspective view (fig. 20, col. 16, lines 2-11); and

displaying at the first computer this (viii) perspective view (fig. 20, col. 16, lines 2-11); wherein, given a particular 3D scene, selection of an iconic image with which is associated a selected 3D model, and location of the 3D object within the 3D scene, permits generation of a 3D perspective view of the selected suitably-real-world 3D object, properly scaled, within the selected suitably-real-world 3D scene (fig. 20, col. 15, lines 5-35);

wherein image selection made interactively over digital network transpiring entirely in 2D supports the generation of a 3D perspective view showing a 3D object located and oriented within a 3D scene (fig. 20, col. 16, lines 2-11).

As per claim 14, Bourdelais teaches the method according to claim 13 exercised to the purpose that a prospective purchaser of the suitably-real-world 3D object may be rendered a 3D perspective view of a 3D object that is virtual within the suitably-real-world 3D Scene:

wherein if the object and/or the scene shown in the perspective view do not actually exist, either or both object and scene could so exist (col. 16 ,lines 45-60).

As per claim 15, Bourdelais teaches the method according to claim 14 wherein the combining is of (i) a particular 2D image representing a room, and (iii) a selected 2D icon representing a room furnishing, with (v) a 3D model of the room, (vi) a 3D model of the furnishing, and (vii) object-based rules to the effect that the furnishing is upon a floor, a wall or a ceiling of the room, in order to generate (viii) a 3D perspective view of the room furnishing properly located and oriented within the room (col. 15, lines 5-35);

wherein prospective purchaser of the real-world room furnishing may be rendered a perspective view of a suitably-real- world room furnishing properly located and oriented within a real- world room (fig. 13, item 13).

As per claim 16, Bourdelais teaches the method according to claim 15, wherein the suitably-real-world room furnishing rendered in 3D perspective view already exists in the world, and can be ordered by the prospective purchaser (col. 16, lines 50-55).

As per claim 17, Bourdelais teaches the method according to claim 15 wherein the suitably-real-world room furnishing rendered in 3D perspective view does not yet exist in the world, and must be built when ordered by the prospective purchaser (col. 16, lines 55-60).

As per claim 21, it is rejected with the same rationale as claim 13. (see rejection above)

As per claim 22, Bourdelais teaches an interactive method of promoting and selling real-world objects comprising:

originating at a server upon a digital communications network

- (1) first plurality of 2D images depicting real-world 3D scenes (fig 4, item 66),
- (2) a second plurality of 2D images depicting real-world 3D objects (fig 8, item 98),

(3) a third plurality of 2D icons corresponding to the second plurality of 2D images depicting real-world 3D objects (fig 8, item 100),

(4) a fourth plurality of 3D models corresponding to those 3D spaces that are depicted within the first plurality of 2D images (fig 5, item 67; Examiner interprets each room to be a 3D model for each of the Room Type in the first plurality),

(5) fifth plurality of 3D models corresponding to the 3D objects that are depicted within the second plurality of images (fig 10, item 100), and

(6) a sixth plurality object-based rules (fig 11, item 111);

first communicating from the server upon a digital communications network to a client the (1) first plurality of 2D images of real-world 3D spaces (fig 4, item 66), the (2) second plurality of 2D images of real-world 3D objects (fig 8, item 98), and the (3) third plurality of 2D icons corresponding to the second plurality of 2D images of real-world 3D objects (fig 20, items 186-188, and 194);

selecting at the client a (1a) selected real-world 2D scene image from among the first plurality of 2D images (fig 4, item 66), and a (3a) selected 2D icon from among the (3) third plurality of 2D icons which (3a) selected 2D icon does correspond to a (2a) selected 2D object image from among the (2) second plurality of 2D object images (fig 20, items 190-193, and 199);

sizing and placing at the client the (3a) selected 2D icon within the (1a) selected real-world 2D scene image (fig. 6, item 83);

second communicating from the client upon the digital communications network to the server the sized and placed (3a) selected 2D icon within the (1a) selected real-world 2D scene image (fig 20, items 196-198, and 205);

selecting at the server from among the (4) fourth plurality of 3D models a (4a) 3D model of the real-world space corresponding to the (1a) selected real-world 2D scene image (fig 4, item 66, col. 16, lines 3-12), and from the (5) fifth plurality of 3D models a (5a) 3D model of the real-world 3D object (fig. 7, item 63);

generating at the server from the (4a) 3D model of the real-world space, the (5a) 3D model of the real-world object and the (6) plurality of object-based rules, (7) static perspective view of a (7a) 3D real-world object corresponding to the (3a) selected icon properly located and oriented relative to a (7b) 3D real-world space corresponding to the (1a) selected real-world 2D scene image (col. 16, lines 3-12); and

third communicating from the server upon the digital communications network to the client the generated static perspective view (col. 14, lines 6-34);

wherein from this third-communicated (7) static perspective view the (7a) 3D real-world object properly located and oriented relative to the (7b) 3D real-world space may be observed at the client (col. 15, lines 35-44); and

fourth communicating from the client upon the digital communications network to the server a sales order to physically provide a real specimen of the (7a) 3D real-world object (col. 16, lines 3-12);

wherein obtaining the sales order for the (7a) 3D real-world object is promoted by the (7) static perspective view showing at the client the (7a) 3D real-world object properly located and oriented relative to the (7b) 3D real-world space (col. 2, lines 1-30).

As per claim 23, Bourdelais teaches the interactive method for selling real-world objects according to claim 22 exercised for the purpose of selling furnishings wherein the originating at

a server is of (1) a first plurality of 2D images depicting rooms (fig. 4, item 65), (2) a second plurality of 2D images depicting furnishings (fig. 12, item 118), (3) a third plurality of icons corresponding to the second plurality of furnishing images (fig. 13, items, chairs, couch), (4) a fourth plurality of 3D models corresponding to the rooms that are depicted within first plurality of 2D room images (fig. 12, item 118), (5) a fifth plurality of 3D models corresponding to the furnishings that are depicted within second plurality of 2D furnishing images (fig. 9, item 100), and (6) a sixth plurality of rules regarding how furnishings fit within rooms (fig. 6, item 83);

the first communicating from the server upon a digital communications network to the client is of (1) the first plurality of 2D room images, (2) the second plurality of 2D furnishing images, and (3) the third plurality of furnishings icons (col. 18, lines 21-50);

the selecting at the client is of a (1a) selected real-world 2D room image from among the (1) first plurality of room images (fig 4, item 65), and (3a) a selected furnishing icon from among the (3) third plurality of furnishing icons (fig. 8, item 98), which (3a) selected furnishing icon does correspond to (2a) a selected furnishing image from among the second plurality of furnishing images (fig. 12, items 118, and 121);

the sizing and placing at the client is of the (3a) selected furnishing icon within the (1a) selected 2D room image (col. 6, item 83);

the second communicating from the client upon the digital communications network to the server is of the sized and placed (3a) selected furnishing icon within the (1a) selected 2D room image (fig. 5, item 65);

the selecting at the server from among the (4) fourth plurality of 3D models is of a (4a) 3D model of the room corresponding to the (1a) selected 2D room image (fig. 4, item 65), and

from the fifth plurality of 3D models a (5a) 3D model of the furnishing corresponding to the (3a) selected furnishing icon (fig. 12, item 118);

the generating at the server from the (4a) 3D room model, the (5a) 3D furnishing model and the (6) plurality of furnishing rules (col. 6, item 83), is of a (7) static perspective view a (7a) 3D furnishing corresponding to the (3a) selected furnishing icon properly located and oriented within a (7b) 3D room corresponding to the selected 2D room image (col. 18, item 171); and

the third communicating from the server upon the digital communications network to the client is of the generated (7) static perspective view (col. 9, lines 46-61);

wherein from this third-communicated (7) static perspective view the (7a) 3D furnishing properly located and oriented within the (7b) 3D room may be observed at the client (col. 9, lines 46-61); and

the fourth communicating from the client upon the digital communications network to the server is of a sales order to physically provide a real specimen of the (7a) 3D furnishing (col. 16, lines 1-12);

wherein obtaining the sales order for the (7a) 3D furnishing is promoted by the static perspective view showing at the client the (7a) 3D furnishing properly located and oriented within the 3D room (col. 16, lines 1-12).

As per claim 24, Bourdelais teaches the interactive method for selling furnishings according claim 22 wherein at least one of the server's first, second, third and fifth pluralities is proprietary (col. 2, lines 32-36).

As per claim 25, Bourdelais teaches the interactive method for selling furnishings according to claim 24 wherein all of the server's first, second, third and fifth pluralities are proprietary (col. 2, lines 32-36).

As per claim 26, Bourdelais teaches the interactive method for selling furnishings according to claim 24 further comprising:

wherein the originating at a server is further of a set of available lighting effects (fig 20, item 213, col. 19, lines 31-45);

wherein the first communicating from the server upon a digital communications network to the client is further the set of available lighting effects (fig 20, item 213, col. 19, lines 31-45);

wherein the selecting at client further of (8a) selected lighting effect from among the (8) set of lighting effects (fig 20, item 213, col. 19, lines 31-45);

wherein the second communicating from the client upon the digital communications network to the server is further of the (8a) selected lighting effect (fig 20, item 213, col. 19, lines 31-45);

wherein the generating at the server is further of the (7) static perspective view as illuminated by the (8a) selected lighting effect (fig 20, item 213, col. 19, lines 31-45); and

wherein the third communicating from the server upon the digital communications network to the client is of the generated static perspective view as illuminated by the (8a) selected lighting effect (fig 20, item 213, col. 19, lines 31-45).

As per claim 27, Bourdelais teaches the interactive method for selling furnishings according to claim 26, wherein the selecting is performed by an interior designer at the client

(col.1, lines 62-67, col. 2, lines 1-2; It is inherent that the user is an interior designer, because he is designing his own room).

As per claim 28, Bourdelais teaches the interactive method for selling furnishings according claim 24 further comprising:

wherein the originating at a server is further of a set available textures and colors (col. 3, lines 18-34);

wherein the first communicating from the server upon a digital communications network to the client is further of the (9) set of available textures and colors (fig. 20, item 201);

wherein the selecting at the client is further of (9a) selected textures and colors from among the (9) set of textures and colors (col. 11, lines 28-36);

wherein the second communicating from the client upon the digital communications network to the server is further of the (9a) selected textures and colors (col. 11, lines 28-36);

wherein the generating at the server is further of the (7) static perspective view as textured and colored by the (8a) selected textures and colors (fig. 20, item 201); and

wherein the third communicating from the server upon the digital communications network to the client is of the generated (7) static perspective view as textured and colored by the (8a) selected textures and colors (fig. 20, item 201).

As per claim 29, Bourdelais teaches the interactive method for selling furnishings according to claim 28 wherein the selecting is performed by an interior designer at the client.

As per claim 30, Bourdelais teaches the furnishings sales method according to claim 28 wherein the image generation system produces a 2D virtual image (fig. 4, item 65) of the room

where all textures are scaled and oriented to the three-dimensional objects in which the textures appear (fig. 13, item 123).

As per claim 31, which is dependent on claim 24, it is of the same scope as claim 27. (see rejection above).

As per claim 37, it is rejected with the same rationale as claim 22. (see rejection above)

As per claim 38, it is rejected with the same rationale as claim 23. (see rejection above)

As per claim 39, which is dependent on claim 37, it is of the same scope as claim 24. (see rejection above)

As per claim 40, which is dependent on claim 39, it is of the same scope as claim 25 (see rejection above)

As per claim 41, which is dependent on claim 39, it is of the same scope as claim 26 (see rejection above)

As per claim 42, which is dependent on claim 41, it is of the same scope as claim 27 (see rejection above)

As per claim 43, which is dependent on claim 39, it is of the same scope as claim 28 (see rejection above)

As per claim 44, which is dependent on claim 43, it is of the same scope as claim 27 (see rejection above)

As per claim 45, which is dependent on claim 39, it is of the same scope as claim 30 (see rejection above)

As per claim 46, which is dependent on claim 39, it is of the same scope as claim 27 (see rejection above)

As per claim 51, Bourdelais teaches the interactive method for selling furnishings according to claim 39. Bourdelais further teaches after the fourth communicating, further comprises:

making the real product depicted by the (7a) 3D furnishing model which has, until acceptance of the order, never existed save as a virtual image (col. 2, lines 20-30; It is inherent that the modeling of the room doesn't exist except as a virtual image because, all the model are initially designed by the user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-36, and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais (US 6,727,925) in view Masters (US 6,572,377).

As per claim 32, Bourdelais teaches the interactive method for selling furnishings according to claim 30. However, he fails to teach between the third communicating and the fourth communicating, further comprises:

A fifth communication between the interior designer at the client site to the server, that places a request for a real physical sample of something in the generated and displayed 3D image of the room; and

physically providing the requested sample to the interior designer.

Masters teaches the interior designer at the client site request the server for a real physical sample (col. 2, lines 14-34), and physically providing the requested sample to the interior designer (col. 8, lines 37-53).

It would have been obvious to an artisan at the time of the invention to include Master's teaching with Bourdelais' method in order to allow the user to feel the sample material used for the furniture.

As per claim 33, Bourdelais and Masters teach the interactive method for selling furnishings according to claim 32. Masters further teaches wherein the fifth communicating is of a request for a fabric or carpet swatch; and

wherein the physically providing is of the requested swatch (col. 8 , lines 37-54).

As per claim 34, Bourdelais and Masters teach the interactive method for selling furnishings according to claim 32. Masters further teaches wherein the fifth communicating is of a request for a paint or stain color sample (col.2, lines 6-11); and

wherein the physically providing is of the requested paint or stain color sample (col.2, lines 6-11).

As per claim 35, Bourdelais and Masters teach the interactive method for selling furnishings according to claim 32. Masters further teaches wherein the fifth communicating is of a request for a wallpaper sample (col.2, lines 6-11); and

wherein the physically providing is of the requested wallpaper sample (col.2, lines 6-11).

As per claim 36, Bourdelais and Masters teach the interactive method for selling furnishings according to claim 32. Bourdelais further teaches after the fourth communicating, further comprises:

making the real product depicted by the (7a) 3D furnishing model which has, until acceptance of the order, never existed and it was only saved as a virtual image (col. 2, lines 20-30; It is inherent that the modeling of the room doesn't exist except as a virtual image because all the models are initially designed by the user).

As per claim 47, which is dependent on claim 39, it is of the same scope as claim 32. (see rejection above)

As per claim 48, which is dependent on claim 47, it is of the same scope as claim 33. (see rejection above)

As per claim 49, which is dependent on claim 47, it is of the same scope as claim 34. (see rejection above)

As per claim 50, which is dependent on claim 47, it is of the same scope as claim 35. (see rejection above)

8. Claims 12, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais (US 6,727,925) in view Gao et al. (US 6,231,188).

As per claim 12, Bourdelais teaches the method according to claim 10. However, he fails to teach the placement and rotation information originating at the second computer concerns location and attitude of eyeglasses upon a head.

Gao et al. teaches the placement and rotation information originating at the second computer concerns location and attitude of eyeglasses upon a head (col. 10, lines 30-44).

It would have been obvious to an artisan at the time of the invention to include Gao's teaching with Bourdelais ' method in order to allow the user to have a digital image of the eyeglass frames being worn by the customer.

As per claim 18, Bourdelais teaches the method according to claim 14. However, he fails to teach the combining is of a particular 2D image representing a human head, and (iii) a selected 2D icon representing eyeglasses, with a 3D model of the human head, (vi) a 3D model of the eyeglasses, and (vii) object-based rules to the effect that temple pieces of the eyeglasses slip over ears of the human head that is the subject of the 3D model while each lens of the eyeglasses is

centered in front of an eye of the human head, in order to generate (viii) a 3D perspective view of the eyeglasses properly located and oriented upon and fitted to the human head;

wherein a prospective purchaser of the real-world eyeglasses may be rendered a perspective view of the eyeglasses properly located and oriented upon, and fitted to, the purchaser's own human head.

Gao et al. teaches combining is of a particular 2D image representing a human head, and (iii) a selected 2D icon representing eyeglasses (col. 10, lines 30-44), with a 3D model of the human head, (vi) a 3D model of the eyeglasses (col. 22, lines 25-31), and (vii) object-based rules to the effect that temple pieces of the eyeglasses slip over ears of the human head that is the subject of the 3D model while each lens of the eyeglasses is centered in front of an eye of the human head, in order to generate (viii) a 3D perspective view of the eyeglasses properly located and oriented upon and fitted to the human head (col. 23 ,lines 31-46);

wherein a prospective purchaser of the real-world eyeglasses may be rendered a perspective view of the eyeglasses properly located and oriented upon, and fitted to, the purchaser's own human head (col. 10, lines 30-44).

It would have been obvious to an artisan at the time of the invention to include Master's teaching with Bourdelais ' method in order to allow the user to have a digital image of the eyeglass frames being worn by the customer.

As per claim 19, Bourdelais and Gao teaches the method according to claim 18. Gao teaches wherein the suitably-real-world eyeglasses rendered in 3D perspective view already exist in the world, and can be ordered by the prospective purchaser (col. 8, lines 1-3, col. 1, lines 25-45, col. 3, lines 4-10).

As per claim 20, Bourdelais and Gao teaches the method according to claim 15.

However, they fail to teach wherein the suitably-real-world room eyeglasses rendered in 3D perspective view do not yet exist in the world, and must be built when ordered by the prospective purchaser.

Gao teaches a suitably-real-world room eyeglasses rendered in 3D perspective view do not yet exist in the world, and must be built when ordered by the prospective purchaser (col. 10, lines 30-44; It is inherent that the glasses don't exist in the world, because a series of adjustment are still being made to the virtual model of the glasses. Only when the glasses are ordered the adjustments are applied to the glasses themselves, and only then the virtual model is transformed in to a real pair of glasses).

It would have been obvious to an artisan at the time of the invention to include Master's teaching with Bourdelais' method in order to allow the user to have a digital image of the eyeglass frames being worn by the customer.

Response to Argument

7. Applicant's arguments with respect to claims 1-51 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Peng Ke